

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

By this amendment, claims 13, 16, 30, 33, 42, and 45 have been amended. Claims 13-17, 30-34, and 42-46 remain pending.

§112 Rejections

The Examiner has rejected claims 33-34 under 35 U.S.C. §112, second paragraph, as being indefinite. As noted above claims 33-34 have been amended to clarify the language addressed by this rejection and so it is submitted that claims 33-34 are not indefinite as stated by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 33-34 based upon 35 U.S.C. §112, second paragraph, has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejections

The Examiner has rejected claims 13-17, 30-34, and 42-46 under 35 U.S.C. §103(a) as being unpatentable over Alcorn et al. (U.S. Patent 6,104,815; hereafter referred to as "Alcorn '815") in view of Alcorn et al. (U.S. Patent 6,564,086; hereafter referred to as "Alcorn '086") and further in view of Schneier et al. (U.S. Patent 5,871,398; hereafter referred to as "Schneier"). It is respectfully submitted that Alcorn '815 in view of Alcorn '086 and Schneier, as relied upon by the Examiner, does not disclose or suggest claims 13-17, 30-34, and 42-46.

Claim 30 of the present application calls for:

30. (Amended) An entertainment system comprising:
an entertainment apparatus having a function to execute a program; and

a portable information terminal detachably connected to said entertainment apparatus and having an interface for being electrically connected to said entertainment apparatus;

said portable information terminal comprising:

illegal copying prevention means for periodically determining whether legitimate information has been downloaded from said entertainment apparatus or not, and if legitimate information has not been downloaded, making ineffective at least control inputs entered into said portable information terminal,

said illegal copying prevention means comprising:

identification determining means for determining whether a source medium identification code which has been downloaded from said entertainment apparatus is a predetermined source medium identification code or not, said source medium identification code identifying a source medium containing at least one program executable in said portable information terminal, where one or more of said at least one program has been downloaded from the source medium through the entertainment apparatus and stored in the portable information terminal.

Accordingly, a source medium contains at least one program executable in the portable information terminal. A source medium identification code identifies the source medium. The portable information terminal downloads one or more of the programs from the source medium through the connected entertainment apparatus and stores the downloaded program. The portable information terminal also downloads the source medium identification code from the entertainment apparatus. The identification determining means of the portable information terminal determines whether the downloaded source medium identification code is a predetermined source medium identification code. If not, the illegal copying prevention means of the portable information terminal makes ineffective at least control inputs entered into said portable information terminal. In this way, the portable information terminal can provide unauthorized copying prevention (see, e.g., the Specification at pages 80-86).

The portions of Alcorn '815, Alcorn '086, and Schneier referenced by the Examiner do not appear to disclose or suggest claim 30. In particular, the combination of Alcorn '815, Alcorn '086, and Schneier, as relied upon by the Examiner, does not appear to disclose or suggest using a source medium identification code as called for in claim 30. The Examiner refers to Schneier at column 4, line 65 through column 5, line 18 to disclose the identification determining means

of claim 30. However, it does not appear that this portion of Schneier addresses an identification code that identifies a source medium from which a program has been downloaded. This portion of Schneier appears to address "game authorizations" that do not appear related to identifying a source medium. The "game authorizations" appear to be authorizations from a central computer to allow a remote game computer to play a game of skill. However, this portion of Schneier does not appear to address identifying a source medium as called for in claim 30. The Examiner does not appear to rely upon Alcorn '815 or Alcorn '086 to disclose or suggest a source medium identification code.

Therefore, the portions of Alcorn '815, Alcorn '086, and Schneier referenced by the Examiner do not appear to disclose or suggest claim 30. Accordingly, it is respectfully submitted that the combination of Alcorn '815, Alcorn '086, and Schneier, as relied upon by the Examiner, does not anticipate or suggest claim 30, and so also does not anticipate or suggest claims 31-34 that depend therefrom. Similar arguments apply to claims 13-17 and 42-46.

Based upon the foregoing, it is submitted that claims 13-17, 30-34, and 42-46 are not anticipated by nor rendered obvious by the teachings of Alcorn '815, Alcorn '086, and Schneier as relied upon by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 13-17, 30-34, and 42-46 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 13-17, 30-34, and 42-46 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over

the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

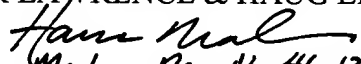
The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

As shown below, claims 13, 16, 30, 33, 42, and 45 have been rewritten.

Claims 13, 16, 30, 33, 42, and 45 have been rewritten as follows:

--13. (Amended) A portable information terminal having an interface for connection to a master unit having a function to execute a program, comprising:

illegal copying prevention means for periodically determining whether legitimate information has been downloaded from the master unit or not, and if legitimate information has not been downloaded, making ineffective at least control inputs entered into the terminal,

said illegal copying prevention means comprising:

identification determining means for determining whether a source medium identification code which has been downloaded from the master unit is a predetermined source medium identification code or not, said source medium identification code identifying a source medium containing at least one program executable in said portable information terminal, where one or more of said at least one program has been downloaded from the source medium through the master unit and stored in the portable information terminal.--

--16. (Amended) A portable information terminal according to claim 15, wherein said download monitoring means comprises:

preprocessing means for storing the present year, month, and date in a first memory area;

download detecting means for detecting whether data has been downloaded or not; and

registering means for setting a flag indicative of the download if the downloaded source medium identification code is the predetermined source medium identification code and registering the present year, month, and date in a second memory area.--

--30. (Amended) An entertainment system comprising:

an entertainment apparatus having a function to execute a program; and

a portable information terminal detachably connected to said entertainment apparatus and having an interface for being electrically connected to said entertainment apparatus;

said portable information terminal comprising:

illegal copying prevention means for periodically determining whether legitimate information has been downloaded from said entertainment apparatus or not, and if legitimate information has not been downloaded, making ineffective at least control inputs entered into said portable information terminal,

said illegal copying prevention means comprising:

identification determining means for determining whether a source medium identification code which has been downloaded from said entertainment apparatus is a predetermined source medium identification code or not, said source medium identification code identifying a source medium containing at least one program executable in said portable information terminal, where one or more of said at least one program has been downloaded from the source medium through the entertainment apparatus and stored in the portable information terminal.--

--33. (Amended) An entertainment system according to claim 32, wherein said download monitoring means comprises:

preprocessing means for storing the present year, month, and date in a first memory area;
download detecting means for detecting whether data has been downloaded or not;
registering means for setting a flag indicative of the download if the downloaded source
medium identification code is the predetermined source medium identification code and
registering the present year, month, and date in ~~the~~ a second memory area.--

--42. (Amended) A recording medium storing a program which can be executed by a portable information terminal having an interface for connection to a master unit which has a function to execute the program, said program comprising the steps of:

periodically determining whether legitimate information has been downloaded from the master unit or not;

if legitimate information has not been downloaded, making ineffective at least control inputs entered into the portable information terminal; and

determining whether a source medium identification code which has been downloaded from the master unit is a predetermined source medium identification code or not, said source medium identification code identifying a source medium containing at least one program executable in said portable information terminal, where one or more of said at least one program has been downloaded from the source medium through the master unit and stored in the portable information terminal.--

--45. (Amended) A recording medium according to claim 44, wherein said program further compromises the steps of:

storing the present year, month, and date in a first memory area;

detecting whether data has been downloaded or not; and

setting a flag indicative of the download if the downloaded source medium identification code is the predetermined source medium identification code and registering the present year, month, and date in a second memory area.--

END AMENDMENT